

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:24-cv-00897-gwc
)	
)	
VORSTEVELD FARM, LLP,)	
HANS VORSTEVELD,)	
GERARD VORSTEVELD, and)	
RUDOLPH VORSTEVELD,)	
)	
)	
Defendants.)	
)	

**PLAINTIFF’S UNOPPOSED MOTION FOR THIRD EXTENSION OF TIME
TO FILE STIPULATED DISCOVERY SCHEDULE**

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 26(a)(3), the United States of America hereby moves the Court to extend the deadline for the parties to submit a stipulated discovery schedule for 30 days until July 31, 2025. Counsel for the Defendants informed the United States that the Defendants do not oppose the relief requested in this motion.

BACKGROUND

The United States filed its complaint in this case on August 14, 2024, regarding Defendants’ alleged violations of the Clean Water Act. ECF No. 1. On September 20, 2024, Attorney Grillot from the United States Department of Justice entered an appearance for the government following his admission to this Court. ECF. No. 2. Defendants filed their answer to the complaint on January 17, 2025. ECF No. 12. On January 31, 2025, the parties selected Tad Powers to serve as the Early Neutral Evaluator. ECF No. 15. On February 21, 2025, Attorney

St. Romain entered an appearance for the government, substituting for Mr. Grillot, who left the Department of Justice on March 1, 2025. ECF No. 17. On March 21, Assistant United States Attorney Hazard entered an appearance in the case, substituting for Ms. St. Romain, who left the Department of Justice on March 22, 2025. ECF No. 18. On April 2, the parties moved this Court to extend the deadline to file the stipulated discovery schedule until May 15, 2025. ECF No. 22. This Court granted the parties' motion in an order issued on April 4, 2025. ECF No. 23. On April 29, 2025, Attorney Redding Cofer Cates from the United States Department of Justice entered an appearance for the government following his admission to this Court, substituting for Ms. Hazard. ECF No. 24. On May 14, 2025, the government moved this Court to extend the deadline for a second time, until June 30, 2025, which this Court granted on May 30, 2025. ECF No. 26.

ARGUMENT

Good cause exists for granting the relief requested in this motion. In determining whether good cause exists to extend a scheduling order, courts consider “the nature of the proposed extension, whether the party seeking it has acted diligently and in good faith, and whether the extension will cause undue prejudice to another party or will result in needless or duplicative expenditure of party or judicial resources.” *Sec. & Exch. Comm’n v. McGinnis*, No. 5:14-CV-6, 2014 WL 12717668, at *2 (D. Vt. Mar. 3, 2014).

On May 15, 2025, the United States Senate confirmed to a new General Counsel for EPA. On June 16, 2025, a new Senate-confirmed Deputy Administrator of EPA was sworn in. These individuals, along with other recent appointee personnel additions at EPA, require additional time to be briefed on the relevant facts of the case to make an informed decision as to the best manner to proceed in this case. Staff at EPA and DOJ are working diligently to provide these new administration officials with the information they need. Discovery in this case has not

yet begun, and no trial date has been scheduled. *Russell v. Pallito*, No. 5:15-CV-126, 2020 WL 2770988, at *3 (D. Vt. Feb. 27, 2020), report and recommendation adopted, No. 5:15-CV-126, 2020 WL 2770521 (D. Vt. May 28, 2020) (assessing prejudice, “courts consider the stage of the proceedings at which an extension is sought, including whether discovery has been completed, whether dispositive motions have been filed, and whether the case is otherwise ready for trial.”).

By granting the relief requested in this motion, the Court and the parties may conserve resources. Therefore, good cause exists to extend the deadline for the parties to file a discovery schedule until July 31, 2025. Defendants’ counsel has advised that the Defendants do not oppose the relief requested in this motion.

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiff’s motion and extend the deadline for the Parties to file a stipulated discovery schedule for 30 days, until July 31, 2025.

Dated: July 1, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2025, I filed the foregoing PLAINTIFF'S UNOPPOSED MOTION FOR THIRD EXTENSION OF TIME TO FILE STIPULATED DISCOVERY SCHEDULE on all counsel of record via the Court's CM/ECF system.